



002-3111/TNT:bkp/271180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U. S. application of:)	Before the Examiner
Hai H. Trieu)	(Unassigned)
)	
Serial No. 10/717,687)	
)	Group Art Unit 3738
Filing Date: November 20, 2003)	
)	
METHOD AND APPARATUS FOR)	
DELIVERING AN INTERVERTEBRAL)	
DISC IMPLANT)	March 22, 2004

INFORMATION DISCLOSURE STATEMENT

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items listed on the enclosed Information Disclosure Statement (PTO Substitute Form for 1449A). This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner. As the references listed on the above-referenced PTO forms were cited in the parent case, U.S. Patent Application Serial No. 09/650,525, copies of the references are not included herein.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313 on:

March 22, 2004

(Date of Deposit)

Timothy N. Thomas

Name of Registered Representative

Timothy N. Thomas
Signature


March 22, 2004

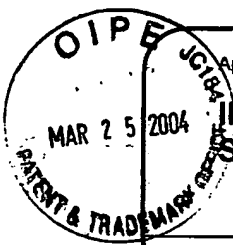
Date of Signature

The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

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Applicant's Substitute for 1449A⁷

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Sheet **1** of **3**

Application Number **10/717,687**
 Filing Date **November 20, 2003**
 First Named Inventor **Hai H. Trieu**
 Group Art Unit **3738**
 Examiner Name
 Attorney Docket Number **4002-3111/PC817.00**

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		3,867,728		Stubstad et al.	02-25-1975	
		3,875,595		Froning	04-08-1975	
		4,202,055		Reiner et al.	05-13-1980	
		4,283,799		Pratt, Jr. et al.	08-18-1981	
		4,349,921		Kuntz	09-21-1982	
		4,428,082		Naficy	01-31-1984	
		4,454,612		McDaniel et al.	06-19-1984	
		4,663,358		Hyon et al.	05-15-1987	
		4,772,287		Ray et al.	09-20-1988	
		4,863,477		Monson	09-05-1989	
		4,904,260		Ray et al.	09-27-1990	
		4,911,718		Lee et al.	03-27-1990	
		4,917,704		Frey et al.	04-17-1990	
		5,002,576		Fuhrmann et al.	03-26-1991	
		5,035,716		Downey	07-30-1991	
		5,047,055		Bao et al.	09-10-1991	
		5,071,437		Steffee	12-10-1991	
		5,108,438		Stone	04-28-1992	
		5,147,646		Graham	09-15-1992	
		5,171,280		Baumgartner	12-15-1992	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number	Kind Code ² (if known)				
			WO 90/11740		Bosch	10-18-1990		
			WO 95/31946		Smith & Nephew PLC	11-30-1995		
			WO 9 6/01598		Smith & Nephew PLC	01-25-1996		
			EP0700 671A1		Howmedica, Inc.	03-13-1996		
			WO 97/26847		Advanced BioSurfaces	07-31-1997		
			WO 00/13619		Spinal Dynamics Corp	03-16-2000		
			WO 00/13620		Spinal Dynamics Corp	03-16-2000		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent documents. ³ Enter Office that issued the document, by the two-letter code (WIPO) Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. ⁷ In-house version of PTO/SB/08A (10-96).

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		Number	Kind Code ² (if known)			
		5,192,326		Bao et al.	03-09-1993	
		5,306,307		Senter et al.	04-26-1994	
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		5,534,028		Bao et al.	07-09-1996	
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		5,676,698		Janzen et al.	10-14-1997	
		5,702,454		Baumgartner	12-30-1997	
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		5,755,797		Baumgartner	05-26-1998	
		5,800,549		Bao et al.	09-01-1998	

[illegible]Date
Considered

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		Number	Kind Code* (if known)			
		5,824,093		Ray et al.	10-20-1998	
		5,863,551		Woerly	01-26-1999	
		5,865,846		Bryan et al.	02-02-1999	
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